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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,630	07/03/2001	Kam Sing Chris Wong	413-010435-US(PAR)	2324
2512	7590	06/01/2004	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			CHIANG, JACK	
			ART UNIT	PAPER NUMBER
			2642	

DATE MAILED: 06/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/898 630Applicant(s)
Wong et al.Examiner
J. ChiangGroup Art Unit
2642

#12

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 4-7-04
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-10 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-10 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

CLAIMS

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humphreys (US 5825874) in view of Hsu (US 5694468).

Regarding claim 1, Humphreys shows a cellphone holder (100) comprising:

A body part (212);

A bottom part (214);

A locking mechanism (204) comprising two L-shaped locking elements (204a-b) mounted on the bottom part (214) for opposing pivotal motion about parallel axis (206a-b), it has surfaces (112a-b) for clamping a cellphone (300) by means of friction between the locking elements (204) and the shell of the phone;

the pivotal motion of the locking elements (204) is actuated (see 114a-b) by insertion of the phone between the locking elements and exertion of a downward force thereon.

Humphreys differs from the claimed invention in that the clamping surfaces are not flat, therefore, the clamping function is not solely by means of friction.

However, Hsu teaches providing a phone holder having two flat clamping surfaces (121, 122), and the clamping/locking function is achieved solely by means of friction.

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Hence, notice that Humphrey's clamping/locking surfaces (112a-b) are designed for holding a specific phone having specific grooves (402a-b) for receiving the clamping surfaces (112a-b). However, Hsu's flat clamping surfaces are more generic, Hsu's design is to hold different sizes/models of phones, not just one specific phone.

Therefore, it would have been obvious for one of ordinary skill in the art to use Humphreys as it is if the user just wants to hold one type of phone, or to modify Humphrey's clamping/locking surfaces with a flat clamping surface as taught by Hsu, this modification allows the holder to hold a phone of any size and any type at its two clamping surfaces (col. 1, lines 42-45 in Hsu).

Regarding claim 10, the combination of Humphreys and Hsu shows the cellphone (300 in Humphreys).

3. Claims 1-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Wijas (US 5463688) in view of Hsu.

Regarding claim 1, Wijas shows a cellphone holder (100) comprising:

A body part (102);

A bottom part (101);

A locking mechanism (130, 140) comprising two L-shaped locking elements (130, 140) mounted on the bottom part (101) for opposing pivotal motion about parallel axis (133, 143) for clamping a cellphone by means of friction between the locking elements (121, 122) and the shell of the phone;

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the pivotal motion of the locking elements (121, 122) is actuated (see 170) by insertion of the phone between the locking elements and exertion of a downward force thereon. Wijas differs from the claimed invention in that the two L-shaped locking elements (130, 140) do not have flat surfaces for clamping a cellphone solely by means of friction. However, Hsu, in the same field of endeavor, teaches providing two L-shaped locking elements (121, 122) having flat surfaces (see 15) for clamping a cellphone solely by means of friction.

However, Hsu teaches providing a phone holder having two flat clamping surfaces (121, 122), and the clamping/locking function is achieved solely by means of friction. Hence, notice that Wijas' clamping/locking surfaces (121, 122) are designed for holding a specific phone having specific grooves (404) for receiving the clamping surfaces (121, 122). However, Hsu's flat clamping surfaces are more generic, Hsu's design is to hold different sizes/models of phones, not just one specific phone. Therefore, it would have been obvious for one of ordinary skill in the art to use Wijas as it is if the user just wants to hold one type of phone, or to modify Wijas' clamping/locking surfaces with a flat clamping surface as taught by Hsu, this modification allows the holder to hold a phone of any size and any type at its two clamping surfaces (col. 1, lines 42-45 in Hsu).

Regarding claims 2-10, the combination of Wijas and Hsu shows:

The locking elements (130, 140 in Wijas) comprising clamping surfaces (132), locking surfaces (134) and pins (133);

Two sockets (126), a release spring (175), two leaf springs (181, 182);

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Attaching (113) the phone to an object;

The clamping surfaces (132) and locking surfaces (134) are thermoplastic material;

Two release pushers (162, 163);

A locking frame (150);

Locking claws (157, 158);

The button (162, 163);

An arm portion and a pushing (161, 168), and a fork (165);

The locking frame (150) comprising two parallel parts (154), a swing axle (156), two spring counterparts (155).

ARGUMENT

4. In response to the remarks (pages 5-9), applicant has substantially summarized the references. The anticipation rejections have been withdrawn in view of the amendment.

Applicant mainly argues that it is not obvious to modify Wijas' latch members with a soft material as in Hsu. Applicant further argues that it is hindsight and the modification is not desirable. First, the examiner can agree with applicant that it may not be proper if just to replace Wijas' whole latch members with a soft material. However, that is not what the examiner proposes to do. The examiner proposes to modify Wijas' latch member with a flat latch member taught by Hsu, the soft material comes with the flat latch member shown by Hsu (although claim 1 has not claimed this soft material). It is not believed that it is hindsight because Wijas shows one type of

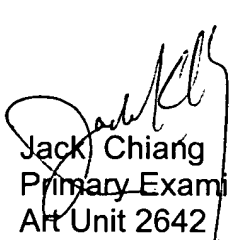
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latching, and Hsu shows another type of latching, and these two types of latching are the most common in phone holders. In fact, Hsu was submitted by applicant, these are relevant references, otherwise, applicant would not pull these references out during his own search.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Chiang whose telephone number is 703-305-4728. The examiner can normally be reached on Mon. – Fri. from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jack Chiang
Primary Examiner
Art Unit 2642